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## EXECUTIVE SUMMARY

20 August 2015

(U) EMPLOYMENT FOR PRE-PLANNED MISSIONS USING 10 U.S.C. §12304b. (U) Greater use of 10 U.S.C. §12304b provides routine employment of the Army National Guard (ARNG) for preplanned missions in support of Combatant Commands (CCMDs). The Secretary of a military department can order any unit of the Selected Reserve, without the consent of the members, to active duty for not more than 365 consecutive days if determined that it is necessary to augment the active forces for a preplanned mission in support of a CCMD. Planning needs to address operational roles and missions suitable for full RC integration. In FY15-16, the Army funded 1,007 Man-Years under 10 U.S.C. §12304b. In January 15, commands submitted 4-star, 3-star, and below endorsements of more than 11,000 Man-Years, but the Army elected to fund 9% of the total requirement. This reduced funding level does not address the need for deploy-to-dwell stabilization of today's Army. An increase in utilization of the Reserve Components (RC) escalates Active (AC) force capacity for preplanned missions and allows for a reduction in the deploy-to-dwell stress on AC forces. A major inhibitor for its use is the lack of operational support funding and planning.

### Considerations:

- Should the Army develop a strategy that leverages a Total Army rotational force?
- How can the Army establish new parameters to allocate resources for longer term ARNG employment?
- How can the Army expand the use of Title 10 U.S. Code § 12304b for the ARNG?

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**INFORMATION PAPER**

18 August 2015

**SUBJECT:** Employment of the Army National Guard (ARNG) for Pre-planned Missions Using 10 U.S.C. §12304b

1. Purpose: To address the authority available through the use of 10 U.S.C. §12304b, specifically for the routine periodic employment of Reserve Component (RC) forces of the U.S. Army, the ARNG and the Army Reserve (USAR) for preplanned missions in support of a Combatant Command. This paper also addresses the lack of operational support funding and how force management planning is not utilizing the *full* capacity of the RC under the authority of 10 U.S.C. §12304b. Finally, this paper provides recommendations for the increase use of the RC under the authority of 10 U.S.C. §12304b.

2. Background:

a. In 2012, 10 U.S.C. §12304b authorized the Secretary of a military department to order any unit of the Selected Reserve, without the consent of the members, to active duty for not more than 365 consecutive days if determined that it is necessary to augment the active forces for a preplanned mission in support of a Combatant Command. However, this statute requires services to meet prescribed criteria in order to use the authority. Specifically, before such units are ordered to active duty, the Secretary must have the manpower and associated costs of such active duty specifically included and identified in the defense budget materials for the fiscal year or years in which such units are anticipated to be ordered to active duty. Further, the budget information on such costs would need to include a description of the mission(s) for which such units are anticipated to be ordered to active duty, and the anticipated length of time of the order of such units to active duty on an involuntary basis. Additionally, not more than 60,000 members of the reserve components of the armed forces may be on active duty under this section at any one time, with the exception of the application of the provisions of the War Powers Resolution (50 U.S.C. 1541 et seq.).<sup>1</sup>

b. Since the enactment of Public Law 112-81, 10 U.S.C. §12304b authority, RC forces have not been effectively leveraged for selective operational requirements. The planning, programming, and budgeting of operational support funds, can draw this observation. The two factors that could ensure a more effective utilization of the RC forces under 10 U.S.C. §12304b would be: 1) Programming sufficient operational support funding; 2) Proper planning to address those operational roles and missions suitable for full RC integration under said authority.

3. Additional Key Information:

a. Operational Support Funding:

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(1) Each year the Department of Defense (DoD) submits the Defense Budget Materials for inclusion in the President's budget. These materials include the justification for requested levels of 12304b funding within the Military Personnel section of the Army Budget Documentation. Funds appropriated by Congress, as a result of requests for these specific funds, are required before a Service may issue orders to active duty to a unit under 10 U.S.C. §12304b.<sup>2</sup>

(2) In FY15 budget documents, the Army requested 1,007 Man-Years (\$83.8M) to use under 10 U.S.C. §12304b. For FY16, the Army had no significant change, requesting 1,008 Man-Years (\$96.4M), which is only .2% of the FY16 475,000 end strength requested by the Active Component (AC).<sup>3</sup> In late January 2015, commands submitted 4-star, 3-star and below endorsements of more than 11,000 Man-Years, but the Army elected to fund only 9% of the total requirement.<sup>4</sup> This reduced level of funding does not address the need for deploy-to-dwell stabilization of today's Army. Leveraging capacity across the armed forces to address force reduction and meet dwell times for operations, other than "contingency operations", requires planning, programming, and budgeting for an increased reliance on the RC.<sup>5</sup>

b. Defense Department Force Planning:

(1) DoD force planning occurs using the Global Force Management (GFM) process to determine the assignment, allocation, and apportionment of forces that support the National Defense Strategy. This near real-time view of force availability enables planners to address valid preplanned missions to meet the needs of Combatant Commanders. As mentioned, this includes the manpower and associated costs identified in defense budget materials and a description of the mission and time for which such units would be ordered to active duty on an involuntary basis. FY15 and FY16 Army budget materials also include such planning. However, there is no formal budgetary mechanism for evaluating the extent ARNG units can provide an optimal sourcing solution for AC missions nor is there a resourcing mechanism to account for the needs of the services while operating within the 60,000-member RC cap.

(2) In addition, it has been noted that strategic reviews do not identify those operational roles and missions suitable for *full* RC integration under 10 U.S.C. §12304b authority. This observation was made in the Reserve Forces Policy Board advice to the Secretary of Defense in 2013.<sup>6</sup>

4. Recommendations: Increasing funding through future budget submissions for the routine utilization of the RC under the authority of 10 U.S.C. § 12304b (additive to individual augmentee allocations) would address issues raised previously. An increase in utilization of the RC would increase the capacity of active forces for preplanned missions in support of Combatant Commanders *and* it would allow for some reduction in the deploy-to-dwell stress on AC forces. Additionally, the Army could monitor the force mix and execution of such a program to manage RC utilization within the Department and across the armed forces. Greater leveraging of this authority will sustain RC

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readiness and familiarity with AC operations and technologies.<sup>7</sup> The increased use of the RC in appropriate budgetary and departmental planning documents is essential for the future of the Army and the security of its members.

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<sup>1</sup> Legal Information Institute, 10 U.S. Code § 12304b - Selected Reserve: order to active duty for preplanned missions in support of the combatant commands, n.d., <https://www.law.cornell.edu/uscode/text/10/12304b> (accessed July 23, 2015).

<sup>2</sup> Richard O. Wightman, "Guidance on Service Implementation of 10 U.S.C. § 12304b Order to active duty for preplanned missions in support of combatant commands", May 1, 2014, <https://g1arng.army.pentagon.mil/Featured%20News/Attachments/Signed%20ASD%20memo%20wrt%2012304b%201%20May%202014%20%282%29.pdf> (accessed July 23, 2015).

<sup>3</sup> Budget Materials, Army Financial Management, Assistant Secretary of the Army for Financial Management & Comptroller, n.d., <http://www.asafm.army.mil/offices/BU/BudgetMat.aspx?OfficeCode=1200> (accessed July 28, 2015).

<sup>4</sup> Information Paper, HQDA, G-33 (DAMO-ODM), 26 June 2015

<sup>5</sup> Per 10 USC 101 (a)(13) and FAR 2.101, "Contingency Operation" means a military operation that-

(a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301 (a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 15 of this title, section 712 of title 14, or any other provision of law during a war or during a national emergency declared by the President or Congress

<sup>6</sup> Arnold L. Punaro, "Strategic Choices and the Reserve Components", [http://rfpb.defense.gov/Portals/67/Documents/RFPB\\_memo\\_SecDef\\_re\\_SCMR\\_and\\_QDR\\_FINAL.pdf](http://rfpb.defense.gov/Portals/67/Documents/RFPB_memo_SecDef_re_SCMR_and_QDR_FINAL.pdf) (accessed July 23, 2015).

<sup>7</sup> Jeffery W. Talley, Testimony before the United States Senate Armed Services Committee, April 8, 2014, [http://www.armed-services.senate.gov/download/talley\\_04-08-14pdf](http://www.armed-services.senate.gov/download/talley_04-08-14pdf) (accessed July 23, 2015).

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